



Approved For Release 2005/06/02 : CIA-RDP77M00144R001100220011-7

Public Law 94-397

94th Congress, H. R. 3650

September 3, 1976

## An Act

To clarify the application of section 8344 of title 5, United States Code, relating to civil service annuities and pay upon reemployment, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 8344(a) of title 5, United States Code, is amended to read as follows:

"(a) If an annuitant receiving annuity from the Fund, except—  
"(1) a disability annuitant whose annuity is terminated because of his recovery or restoration of earning capacity;

"(2) an annuitant whose annuity, based on an involuntary separation (other than an automatic separation or an involuntary separation for cause on charges of misconduct or delinquency), is terminated under subsection (b) of this section;

"(3) an annuitant whose annuity is terminated under subsection (c) of this section; or

"(4) a Member receiving annuity from the Fund;

becomes employed in an appointive or elective position, his service on and after the date he is so employed is covered by this subchapter. Deductions for the Fund may not be withheld from his pay. An amount equal to the annuity allocable to the period of actual employment shall be deducted from his pay, except for lump-sum leave payment purposes under section 5551 of this title. The amounts so deducted shall be deposited in the Treasury of the United States to the credit of the Fund. If the annuitant serves on a full-time basis, except as President, for at least 1 year, or on a part-time basis for periods equivalent to at least 1 year of full-time service, in employment not excluding him from coverage under section 8331(1) (i) or (ii) of this title—

"(A) his annuity on termination of employment is increased by an annuity computed under section 8339 (a), (b), (d), (e), (h), and (i) of this title as may apply based on the period of employment and the basic pay, before deduction, averaged during that employment; and

"(B) his lump-sum credit may not be reduced by annuity paid during that employment.

If the annuitant is receiving a reduced annuity as provided in section 8339(j) or section 8339(k) (2) of this title, the increase in annuity payable under subparagraph (A) of this subsection is reduced by 10 percent and the survivor annuity payable under section 8341(b) of this title is increased by 55 percent of the increase in annuity payable under such subparagraph (A), unless, at the time of claiming the increase payable under such subparagraph (A), the annuitant notifies the Commission in writing that he does not desire the survivor annuity to be increased. If the annuitant dies while still reemployed, the survivor annuity payable is increased as though the reemployment had otherwise terminated. If the described employment of the annuitant continues for at least 5 years, or the equivalent of 5 years in the case of part-time employment, he may elect, instead of the benefit provided by subparagraph (A) of this subsection, to deposit in the Fund an amount computed under section 8334(c) of this title covering that employment and have his rights redetermined under this subchapter.

Civil service annuities.  
Reemployed annuitants.

5 USC 5551.

5 USC 8331.

5 USC 8339.

Survivor annuity payments.

5 USC 8341.

5 USC 8334.

5 USC 8341.

If the annuitant dies while still reemployed and the described employment had continued for at least 5 years, or the equivalent of 5 years in the case of part-time employment, the person entitled to survivor annuity under section 8341(b) of this title may elect to deposit in the Fund and have his rights redetermined under this subchapter."

(b) Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsections (b) and (c) thereof as subsections (d) and (e), respectively; and

(2) by inserting immediately after subsection (a) thereof the following new subsections:

"(b) If an annuitant, other than a Member receiving an annuity from the Fund, whose annuity is based on an involuntary separation (other than an automatic separation or an involuntary separation for cause or charges on misconduct or delinquency) is reemployed in a position in which he is subject to this subchapter, payment of the annuity terminates on reemployment.

"(c) If an annuitant, other than a Member receiving an annuity from the Fund, is appointed by the President to a position in which he is subject to this subchapter, payment of the annuity terminates on reemployment."

(c) Section 8344(d) of title 5, United States Code, as redesignated by this Act, is amended by striking out the last sentence.

(d) Section 8339(f)(2)(C) of title 5, United States Code, is amended by striking out "8344(b)(1)" and inserting in lieu thereof "8344(d)(1)".

Effective  
date.  
5 USC 8344  
note.

SEC. 2. (a) Except as provided under subsection (b) of this section, the amendments made by this Act shall become effective on the date of the enactment of this Act or October 1, 1976, whichever is later, and shall apply to annuitants serving in appointive or elective positions on and after such date.

Effective  
date.

(b) The amendment made by subsection (c) of the first section of this Act shall become effective on the date of the enactment of this Act or October 1, 1976, whichever is later, but shall not apply to any annuitant reemployed before such date.

Approved September 3, 1976.

#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-336 (Comm. on Post Office and Civil Service).  
SENATE REPORTS: No. 94-877 (Comm. on Post Office and Civil Service) and  
No. 94-1030 (Comm. on Appropriations).

#### CONGRESSIONAL RECORD:

Vol. 121(1975): July 21, considered and passed House.  
Vol. 122(1976): Aug. 9, considered and passed Senate, amended.  
Aug. 25, House concurred in Senate amendments.

August 9, 1976

CONGRESSIONAL RECORD — SENATE

S 13963

Carnegie Tech in Pittsburgh to form Carnegie-Mellon University, with a total endowment of almost \$120 million. A new school of Urban Affairs was created to meet the demand for persons capable of dealing with our growing urban problems. A college of Humanities and Social Sciences was also established. Significant changes in engineering and science curricula were made, and a major science building was erected.

While a resident of Pittsburgh, Dr. Stever's interests extended into many civic enterprises and educational activities beyond the University campus. He was a trustee of the Sarah Mellon Scaife Foundation and the Buckingham School; a director of the Pittsburgh Symphony Society, the Regional Industrial Development Corporation, the Pittsburgh-Allegheny County Chapter of the American Red Cross, and the Metropolitan Pittsburgh Educational Television (WQED).

A long list of honorary degrees held by Dr. Stever includes the following from Pennsylvania—Lafayette College, University of Pittsburgh, Waynesburg College, Allegheny College, Seton Hill College, Washington and Jefferson College, Widener College and Villanova University.

Dr. Stever's directorship of the National Science Foundation has likewise been marked by growth and expansion of the Foundation's activities. We can anticipate that under his direction the new White House science office will strengthen the role of science in relation to the national welfare and will increase the public's understanding of science as it affects important decisions. An important addition to the reestablished White House office will be a new Inter-governmental Science, Engineering, and Technology Advisory Panel, which will be established to help to solve regional, State, and local civilian problems.

Dr. Stever will bring to the new science office a background of varied and rich associations with educational institutions, government agencies, industry, international organizations, and professional societies. These represent many important facets of our country's scientific enterprise, and Dr. Stever recognizes the importance of cooperation with all of them.

Mr. GOLDWATER. Mr. President, I rise in support of the nomination of Dr. H. Guyford Stever to be the Director of the Office of Science and Technology Policy. In this capacity, Dr. Stever will be the principal science adviser to the President.

I believe any President should be allowed great latitude in organizing the White House according to his needs and his selection of advisers should receive sympathetic consideration from the Senate barring any serious objections.

President Ford wisely sought the partnership of Congress in creating the new Office of Science and Technology Policy thereby providing high visibility and greater support for this new Office.

The importance of science, technology, and engineering to the future welfare of the United States and the whole world

our national commitment to R. & D. I believe the next 50 years will bring benefits to mankind that are only dimly perceived today.

President Ford and the Congress have taken a step to insure continuity in our science programs. Moreover, the President has selected a very distinguished scientist and administrator to be the first Director of Science and Technology Policy. Dr. H. Guyford Stever has had a wealth of experience both in Government and out. I believe he is highly qualified to advise the President on a wide range of problems that require technical or scientific consideration.

Dr. Stever's nomination received the unanimous support of the members of the Committee on Aeronautical and Space Sciences.

I heartily endorse his nomination and hope the Senate will approve it overwhelmingly.

Mr. THURMOND. Mr. President, reluctantly, I will oppose the nomination of Dr. Stever.

It is my general view that the President should have the right to choose his key aides and top advisers. In this instance, I believe the most prudent course is for the Congress to deny confirmation until serious questions surrounding the nominee have been cleared up.

I am troubled by questions which the senior Senator from North Carolina (Mr. HELMS) and others have raised concerning the alleged withholding of key documents from Congress, as well as the alleged manipulation of the National Science Foundation grant process.

Mr. President, until these questions have been answered, I believe it is most prudent for us to withhold confirmation.

Mr. MCINTYRE. Mr. President, I am prepared to yield back the remainder of the proponents' time.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of H. Guyford Stever, of the District of Columbia, to be Director of the Office of Science and Technology Policy. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CLARK), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from California (Mr. TUNNEY), are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RUDOLPH), is absent on official business.

I also announce that the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Massachusetts (Mr. KENNEDY), are absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), would vote "yea."

Mr. TOWER. I announce that the Senator from Tennessee (Mr. BLOCK), the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the

Senator from Michigan (Mr. GRIFFIN), the Senator from Nebraska (Mr. Hruska), the Senator from Nevada (Mr. LAXALT), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. WILLIAM L. SCOTT), are necessarily absent.

The result was announced—yeas 78, nays 6, as follows:

[Rollcall Vote No. 512 Ex.]

YEAS—78

Abourezk	Glenn	Muskie
Allen	Goldwater	Nelson
Baker	Gravel	Nunn
Bayh	Hansen	Packwood
Beall	Hart, Gary	Pastore
Bellmon	Hartke	Pearson
Bentsen	Haskell	Pell
Brooke	Hatfield	Percy
Bumpers	Hathaway	Proxmire
Burdick	Hollings	Randolph
Byrd	Huddleston	Roth
Harry F., Jr.	Humphrey	Schweiker
Byrd, Robert C.	Inouye	Sparkman
Cannon	Jackson	Stafford
Case	Javits	Stennis
Chiles	Johnston	Stevens
Church	Leahy	Stevenson
Cranston	Magnuson	Strom
Culver	Mansfield	Symington
Dole	Mathias	Taft
Domenici	McClellan	Talmadge
Durkin	McGee	Tower
Eagleton	McGovern	Welch
Eastland	McIntyre	Williams
Fannin	Metcalf	Young
Ford	Monrath	
Garn	Moss	

NAYS—6

Bartlett	Helms	Morgan
Buckley	McClure	Thurmond

NOT VOTING—16

Biden	Hart, Philip A.	Ribicoff
Brock	Hruska	Scott, Hugh
Clark	Kennedy	Scott
Curtis	Laxalt	William L.
Fong	Long	Tunney
Griffin	Montoya	

So the nomination was confirmed.

Mr. CANNON. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. CANNON. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair informs the Senator that there is no order of pending business.

CIVIL SERVICE ANNUITIES AND RE-EMPLOYMENT PAY AMENDMENTS OF 1976

Mr. MCGEE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3650, which we have an agreement to proceed on at this time.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3650) to clarify the application of section 8344 of title 5, United States

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Code, relating to civil service annuities and pay upon reemployment, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGEE. Mr. President, I suggest the absence of a quorum, so that Senator Stevens might get here to manage the other side of the aisle.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, the pending matter before the Senate is H.R. 3650. Under existing law, when a Federal civil service retiree and annuitant is reemployed by the Federal Government, his annuity is continued on an amount equal to his annuity is deducted from his salary. Thus, Federal agencies which reemploy an annuitant obtain his services at a reduced cost. In effect, the result is that those agencies bear only a part of the cost of his services. The full cost is shared with the civil service retirement fund.

Therefore, a major purpose of the pending legislation is to correct this factor. Accordingly, the bill provides that agencies reemploying annuitants will be required to deposit to the credit of the retirement fund the amounts of annuity deducted from the salaries of reemployed retirees.

Further, the bill makes clear the intent of Congress with regard to the conditions of the employment of reemployed annuitants whose annuities are based upon involuntary separation.

The law is silent on how reemployed involuntarily retired annuitants should be treated. Accordingly, the Civil Service Commission, in the absence of specific statutory language, has issued regulations governing this class of retirees. The Commission's regulations apply to two classes of employees who retired involuntarily:

First, an annuitant who retired involuntarily and is reemployed in a position subject to the civil service retirement law.

Second, an annuitant who retired involuntarily and is reemployed in a position not subject to the civil service retirement law, such as a temporary appointment.

In the case of the annuitant involuntarily retired who is reemployed in a position subject to the retirement law, the regulations provide that:

The annuity is terminated upon reemployment;

Retirement contributions are withheld from the pay;

Future annuity rights are determined under the law in effect upon subsequent separation.

In the case of the annuitant involuntarily retired who is reemployed in a

position not subject to the retirement law, the regulations provide that:

The annuity continues;

The salary is reduced by the amount of the annuity;

No retirement deductions are made.

ANNUITANTS INVOLUNTARILY SEPARATED,  
H.R. 3650

In the case of an annuitant involuntarily separated who is reemployed in a position subject to the retirement law, H.R. 3650 affirms statutorially the practice established by civil service regulations. The annuity is terminated, retirement contributions are withheld, and future annuity rights are determined under the law in effect upon subsequent separation.

In the case of an annuitant involuntarily separated who is reemployed in a position not subject to the retirement law, such as a temporary appointment, H.R. 3650 provides the same terms for reemployment as those governing the reemployment of an annuitant voluntarily retired. Such a reemployed annuitant would continue to receive his full annuity, but his salary would be reduced by an amount equal to his annuity allocable to the period of actual employment. If such annuitant serves on a full-time basis for at least 1 year, or on a part-time basis for periods equivalent to at least 1 year of full-time service, the annuitant would be entitled to a supplemental annuity based on the period of reemployment. If the period of reemployment continues for at least 5 years, or the equivalent of 5 years in the case of part-time employment, the annuitant may elect to deposit in the retirement fund an amount computed in accordance with the provisions of law and have his annuity recomputed on the basis of his total service, including the period of reemployment. As noted above, under existing law the right to a supplemental annuity, or recomputation after 5 years of service, extends only to annuitants whose annuities are based on voluntary separations.

H.R. 3650 also amends existing law to alter the terms of reemployment for the following classes of annuitants:

A nonmember annuitant reemployed in a position subject to retirement coverage by Presidential appointment.

#### PRESENT LAW

Pay in the reemployment position is reduced by the amount of annuity allocable to the period of reemployment. No current retirement deductions are taken from pay. If the annuitant serves on a full-time basis for at least 1 year, he becomes entitled to a supplemental annuity; if the same annuitant continues to serve on a full-time basis for at least 5 years, he may elect to deposit in the retirement fund the retirement deductions which were not withheld from his pay and have a complete recomputation—new retirement rights—of his annuity.

#### H.R. 3650

Annuity is terminated. Retirement deductions are taken. If subsequent separation occurs before the 1 out of last 2 years covered service requirement is met, retirement deductions are re-

funded, and the terminated annuity is resumed in the same amount. If subsequent separation occurs after the 1 out of last 2 years covered service requirement is met, after reemployment, annuity is recomputed—new retirement right.

A member annuitant who is reemployed by Presidential appointment not requiring confirmation by the Senate.

#### PRESENT LAW

Annuity continues and the annuitant also gets full pay. Such cases have been rare. If reemployment is subject to retirement coverage, retirement deductions are withheld from pay and additional annuity benefits are earned. If reemployment is not subject to retirement coverage, retirement deductions are not withheld and no additional annuity benefits are earned.

#### H.R. 3650

Annuity and pay would not be payable simultaneously and the member annuitant would be treated like any other retired Member of Congress who now becomes reemployed.

The committee is aware that the provisions of this bill will affect the allowances for administrative and clerical assistants to Senators and legislative assistance to Senators. Since this legislation requires that the appropriation accounts must be charged with the full salary costs, these allowances must also be charged with the full amount of the annual salary of a reemployed annuitant rather than the current practice of charging the allowances with the net amount after reduction for the annuity. However, it is the judgment of the committee that this matter should be reviewed and considered by the proper Senate Committee; namely, the Subcommittee on Legislative Branch Appropriations of the Committee on Appropriations inasmuch as that Committee considers all matters relating to senatorial allowances.

I urge the Senate to approve H.R. 3650 and permit the matters relating to senatorial allowances to be resolved by the appropriate committee, as the House of Representatives report indicates is also the intent in the other body.

The Congressional Budget Office reports that:

Enactment of H.R. 3650 would result in a transfer of funds from Federal agencies employing civil service annuitants to the civil service retirement and disability fund. This transfer would create additional budget authority (income to retirement fund) of \$18.5 million annually plus interest accrued.

#### AMENDMENT NO. 2169

Mr. President, a correction in the provisions of the bill is in order because of the provisions of the Budget Act. I call up amendment No. 2169, which is a technical amendment to amend the effective date of the legislation so that it would not become effective prior to the beginning of fiscal year 1977.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming proposes an amendment numbered 2169.



The amendment is as follows:

On page 5, line 8, insert after "Act" the following: "or October 1, 1976, whichever is later."

On page 5, line 8, strike out "the date of the enactment of this Act" and insert in lieu thereof "such date".

On page 5, line 11, insert after "Act" the following: "or October 1, 1976, whichever is later."

On page 5, line 12, strike out "the date of enactment of this Act" and insert in lieu thereof "such date".

Mr. McGEE. Mr. President, the technicality of the amendment speaks for itself. It is simply to adjust to the new budget procedure. Therefore, I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I am not going to object to passage of the bill. This bill does, however, put the Federal Government in a different position from all other employers. Civil service retirees who go to work in the private sector or for a State or local government will not have to make this contribution.

In view of the status of the civil service retirement fund, it may be a well meaning proposition to assist in restoring moneys to that fund for those people who are given reemployment by the Federal Government. But I do think that it is going to be a deterrent to some areas of government which might reemploy those who are already retired in order to take advantage of their special skills and capabilities.

With that reservation, and in view of the status of the civil service retirement fund, we do not object to the passage of the bill.

Mr. McGEE. Mr. President, I suggest the absence of a quorum, with the time to be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STEVENS. I yield back my time.

Mr. McGEE. I yield back my time.

The PRESIDING OFFICER. The bill having been read a third time, the question is: Shall it pass?

The bill (H.R. 3650) was passed, as amended.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. McGEE. I move to lay that motion on the table.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARN). Without objection, it is so ordered.

AUTHORIZATION OF PAYMENT FROM SENATE CONTINGENT FUND

Mr. MANSFIELD. Mr. President, I ask unanimous consent, under the suggestion previously made by the leadership, that the Senate now proceed to the consideration of Calendar No. 980, Senate Resolution 463.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows: A resolution (Senate Resolution 463) authorizing the payment out of the contingent fund of the Senate of the expenses incurred by Senator Proxmire in defending a civil action brought against him.

The Senate proceeded to consider the resolution which had been reported from the Committee on Rules and Administration with an amendment:

On page 2, at the beginning of line 2, insert "in an amount subject to the approval of the Committee on Rules and Administration."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to suggest the absence of a quorum without the time being taken out of either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR MCCLURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow, Mr. McClure be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, will the Senator withhold that?

Mr. ROBERT C. BYRD. Yes.

Mr. TOWER. I wonder if we can get a lineup of the program for the remainder of the day and tomorrow.

Mr. ROBERT C. BYRD. I will ask the majority leader.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to call up Calendar No. 839, H.R. 12987, on which there is a time limitation. The best I think we can do tonight is to get started.

Then we have bills to extend the Export Administration Act of 1969.

Mr. ROBERT C. BYRD. How about the swine flu bill?

Mr. MANSFIELD. There is a possibility that tomorrow we will take up the bill, Calendar No. 1072, S. 3735, the so-called swine flu bill, which has been reported from the committee and has been on the calendar since last Friday.

We had hoped we could bring up the military construction bill, but that will have to go over until after the recess.

I hope it will be possible tomorrow to take up Calendar No. 1063, S. 3737, a bill to authorize appropriations for purposes of making certain grants under the Indian Elementary and Secondary Assistance Act. The Senator from Arizona (Mr. FANNIN) has a great interest in that.

So I would say the prospects tomorrow are very good for taking up a swine flu bill, that we would continue with the consideration of the CETA bill, Calendar No. 839, and other matters as they come along, which we will bring to the attention of the Senate at that time.

Mr. TOWER. Mr. President, will the Senator yield? The Senator intends, after the consideration of Senate Resolution 463, we will turn to the consideration of Calendar No. 339, H.R. 12987, the CETA bill, is that correct?

Mr. MANSFIELD. That is correct.

Mr. TOWER. I thank the Senator.

Mr. MANSFIELD. I would point out that we have some very important pieces of legislation yet to be reported to the Senate, the rivers and harbors bill, the revenue-sharing bill, the legislative appropriation bill, and the District of Columbia appropriation bill, in addition to those on the calendar.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF H.R. 12987 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the order for the recognition of Mr. McClure tomorrow there be a period for the transaction of routine morning business of not to exceed beyond 15 minutes, with statements limited therein to 5 minutes each; at the conclusion of which the Senate will resume consideration of H.R. 12987, the CETA bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow, Mr. McClure be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, will the Senator yield? The Senator intends, after the consideration of Senate Resolution 463, we will turn to the consideration of Calendar No. 339, H.R. 12987, the CETA bill, is that correct?

Mr. MANSFIELD. That is correct.

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The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, will the Senator yield? The Senator intends, after the consideration of Senate Resolution 463, we will turn to the consideration of Calendar No. 339, H.R. 12987, the CETA bill, is that correct?

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